

**MSA****MUNICIPAL SERVICES ASSOCIATES, INC.**

March 5, 2009

Received &amp; Inspected

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Ms. Marlene H. Dortch  
Secretary  
Federal Communications Commission  
445 12th Street SW  
Washington, DC 20554

FCC Mail Room

Re: Petitions for Declaratory Ruling Regarding Public, Educational and Governmental Access Channels, MB Docket No. 09-13, CSR-8126 (ACM *et al.*), CSR-8127 (City of Lansing, MI), and CSR-8128 (City of Dearborn, MI *et al.*)

Dear Ms. Dortch:

Recently, I learned that the FCC is considering three petitions regarding public, educational, and governmental (PEG) access channels and programming. As a citizen, and as a business owner who works with communities in developing infrastructures for access programming, I respectfully request the Commission to grant the three above-mentioned petitions concerning public, educational and governmental ("PEG") Access channels. PEG channels are, and should continue to be, an essential and necessary resource for neighborhood and community oriented news, educational opportunities, and free expression in America's communities. In these comments, I would like to take the opportunity to mention the role of PEG channels in the communities our firm works with, and the importance of keeping telecommunications companies from creating barriers that would prevent viewership of PEG channels.

Municipal Services Associates, Inc. has worked with numerous communities over the past 17 years in helping them develop PEG channels. These channels have served a wide variety of purposes, ranging from a simple bulletin board text message provider, to cablecasting of City Council and County Board meetings and hearings, to presenting programs featuring news and information from all levels of government, businesses, charities, and the arts. In addition, we have enabled communities to begin local educational access and governmental access programming where none had existed before, thus bringing opportunities for learning and participation in local affairs to thousands of citizens in dozens of communities in nine Midwestern and Eastern states.

In bringing access programming to communities that have their own exclusive channels for the first time, ease of location and accessibility to programming is critical to building viewership. For communities that already operate PEG channels, the ability to continue providing high quality programming in an increasingly competitive environment is vital to the continued survival of this programming.

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Therefore, there is considerable concern that I wish to express about AT&T's PEG product and its dependence on a single PEG channel for all access programming.

In recent months, I have had the opportunity to view PEG programming on AT&T U-Verse and to discuss the transmission of PEG programs over the U-Verse system with several clients and colleagues who utilize U-Verse. They have deep concerns about the effect that AT&T's excessive use of submenus on "Channel 99", the lengthy wait times for channel "booting," and inadequate signal quality is having on viewership. The petition submitted by the Alliance for Community Media (ACM, *et al*, CSR-2186) points out deficiencies of U-Verse for PEG programming. The problems with U-Verse identified by ACM are the same as those that I have witnessed. No other programming is treated this way by AT&T U-Verse. More important, the absence of closed captioning for hearing-impaired viewers, and Secondary Audio Programming (SAP) for Spanish-speaking viewers on U-Verse is highly detrimental to audiences that PEG programmers are trying to reach.

In addition, the matter of "Channel Slamming" as stated in the petition submitted by the City of Lansing, Michigan (Lansing, CSR-2187) also has serious implications for the future of PEG programming. By placing PEG programming on upper channel ranges of digital tiers, not only will viewers be required to pay for set-top boxes to receive PEG programming which they were not required to purchase previously, they will have to literally wade through hundreds of channels to find local access channels. While some savvy viewers who are fans of access programming may program their PEG channels as favorites and bypass channel surfing, many PEG viewers are not as technically literate. They will be forced to hunt for channels that were once at the low end of the bandwidth that, under a digital regime, has been moved to the far reaches of the proverbial "dial." Relocation of local PEG channels in this manner creates a barrier to viewership and deprives viewers of the ability to not only reach educational and local entertainment programs, it also prevents convenient access to basic and critical information concerning their communities.

The survival of local programming and the preservation of diverse voices in local media is found in the continued success of PEG programming. Major broadcast media is highly selective in choosing the news stories that viewers see. In Chicago, the vast majority of news programming shown on ABC, NBC, CBS, and Fox affiliates focuses on events in the City of Chicago. News occurring in Chicago's 270 Illinois and Indiana suburbs is not often shown. PEG programs often are the connection between suburban residents and the events going on around them in their communities. Simply put, PEG is the localism and diversity that the FCC seeks to promote.

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Since its inception, Municipal Services Associates, Inc. has been asked by communities to establish PEG channels as an emergency communications resource. Municipal officials understand the importance that PEG channels have in facilitating emergency management, communicating information on emergency assistance, and in providing critical information on public services in the aftermath of a local disaster. By making PEG channels difficult to see or impossible to find, PEG channels are treated as inferior resources at a time when citizens need to rely upon them the most.

For many counties, cities, and towns, PEG channels are more than an entertainment source. They are lifelines between the citizen and the community. The convergence of increased competition and digital technology should not present telecommunications companies with the opportunity to use either as an excuse to establish a goal of extinguishing PEG access programming. The FCC has an opportunity to take a stand for localism, diversity, and community by granting the three petitions concerning PEG that are now before it. The Commission should rule firmly and without ambiguity and grant these petitions in order to stop detrimental and discriminatory treatment of PEG channels at the expense of viewers and the communities that serve them.

Thank you for this opportunity to comment.

Sincerely,



Stuart G. Chapman

President

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